

## **REMARKS**

Claims 1-15, 19-24, and 33-40 are pending in the present application. In an Official Action dated May 4, 2007, claims 33-40 were rejected under 35 U.S.C. § 101, claims 19-24 were rejected under 35 U.S.C. § 102, and claims 1-14 and 33-40 were rejected under 35 U.S.C. § 103. Claim 33 is amended herein. Each of the rejections are discussed in turn.

As a preliminary matter, the Applicant respectfully requests that the Examiner formally accept the Drawings in the next Office Action.

### ***Telephonic Interview***

On July 17, 2007, the undersigned conducted a telephonic interview with Examiner Tomasz Ponikiewski and a supervising Examiner Avin. During the interview, the independent claims were discussed, and the undersigned explained why these claims defined over the cited art (see below for an explanation).

In the Office Action, the Examiner relied on the Abstract of Shimoda. The undersigned pointed out the shortcomings of this disclosure, upon which the Examiner faxed the entire reference (translated from the original Japanese) on the same day, July 17. The Applicant's understanding of this entire reference is explained below.

The interview concluded with Examiner Ponikiewski and Avin reserving the right to review the remarks proffered by the undersigned, with the possibility of performing a subsequent search.

### ***Rejections under 35 U.S.C. § 101***

Claims 33-40 stand rejected under 35 U.S.C. § 101 as not being directed statutory subject matter. Claim 33 has been amended, as suggested by the examiner in the Official Action, to further define the computer readable medium: “A computer readable medium storing computer executable instructions” (amendment underlined). Applicant respectfully submits that claim 33 is now directed to statutory subject matter. Furthermore, Applicant respectfully submits that claims 34-40, which depend from claim 33, are also directed to statutory subject matter.

***Rejections under 35 U.S.C. § 102***

Claims 19-24 stand rejected under 35 U.S.C. § 102 as anticipated by Dutta (US 2002/0078045 A1).

The Dutta reference and the present application are directed to entirely different ways of solving their respective problems. Dutta uses “**User Category Weighting**” (Title) (emphasis added), while claim 19 recites “calculating the score in inverse proportion to **the number of** said at least one source **document[s]**” (claim 19) (emphasis added). **User weighting** is a different standard from the **number of documents**. Thus, it is simply inaccurate to state that “number of documents” could mean “weighting value” (Office Action, p. 4). A weighting value is a user determined entity, assigned to a document. The number of documents, on the other hand, is simply the number of documents (not a subjectively user determined standard).

Further to this argument, Dutta does not disclose or even suggest that the weighting value can be the number of documents located on a web server. The weight values of documents in the Dutta reference are ranked subjectively according to the preferences or suitability of user category groups (Dutta, page 8, para. 48). A user category includes “users with similar profiles, or characteristics” (Dutta, page 5, para. 38). The weight value for each user category group “may be a value assigned that determines the degree of relevance or suitability of the file to the user category” (Dutta, page 7, para. 47). Although Dutta describes a number of ways to rank files (see Dutta, pages 8-9, paras. 48-51), all of the Dutta rankings are associated with the *profile or characteristics of the user that searches for files or web pages*.

Claims 20-24 depend from claim 19. Because claim 19 patentably defines over the cited art, Applicant submits that claims 20-24 are also patentably defined over the cited prior art.

***Rejections under 35 U.S.C. § 103***

Claims 1-14 and 33-40 stand rejected under 35 U.S.C. § 103 as being unpatentable by Dutta (US 2002/0078045 A1) in view of Shimoda (JP 4160540 A).

Regarding claims 1 and 33, the rejections under § 103 rely on Dutta to teach “inverse proportion.” Specifically, as the examiner points out, paragraph 0047 discloses “rank of the file is in inverse order to the weighting value.” As was stated above, inverse ranking of weighting value is wholly different from “inverse proportion to the number of documents” (claim 1), since “weighting values” are not “number of documents.”

Next, the Examiner indicated in the Official Action that Dutta does not teach “assigning the score to the document in inverse proportion to the number of documents located on said Web server” (Office Action, p. 7), but that rather “Shimoda teaches assigning the score to the document in proportion to the number of documents....” Applicant respectfully disagrees.

Shimoda is directed to **management of files**. It takes a file of  $n$  pages and numbers them 1 to  $n$ . Then, it places the pages in a two-dimensional matrix of rows and columns, and assigns the page numbers 1 to  $n$  to the individual fields (See Shimoda, Abstract). Thus, Shimoda discloses the numbering of pages, and the association of page numbers with a storage location in a two-dimensional matrix.

However, Shimoda fails to disclose assigning any kind of score to a document, or assigning a score that is in inverse proportion to the number of documents located on a web server. Thus, Shimoda does not teach assigning a score that is “in inverse proportion to the number of documents located on said Web server” (claim 1). In fact, even if the entire reference that was faxed to the undersigned on July 17, 2007 is considered – especially the relevant passages indicated by the Examiner (viz. 3<sup>rd</sup> paragraph on page 5) – Shimoda merely discloses records, data arrays, fields, and how adding and editing new records can be made easy. The Applicant fails to see how this reference discloses the above cited limitation.

Applicant respectfully submits that neither Shimoda nor Dutta teach assigning a score where the score is “in inverse proportion to the number of documents located on said Web server” (claim 1). Accordingly, Applicant submits that claims 1 and 33 (reciting similar limitations to that of claim 1) patentably define over the cited art. Moreover, U.S. Patent No. 2,935,732 (Guerber et al.) also fails to disclose this limitation (disclosing a sorting apparatus on an application filed in 1954).

Claims 2-15 depend from claim 1, and claims 34-40 depend from claim 33. Insofar as claims 1 and 33 define over the cited art, so do claims 2-15 and 33-40.

**DOCKET NO.:** MSFT-2736/305415.01  
**Application No.:** 10/663,933  
**Office Action Dated:** May 4, 2007

**PATENT**

## **CONCLUSION**

Applicant believes that the present arguments and amendment are responsive to each of the points raised by the Examiner in the Office Action, and submits that claims 1-15, 19-24, and 33-40 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

Date: September 4, 2007

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